

Oversight hearing on the “Diversity Visa Program”

Statement of Mark Krikorian
Executive Director
Center for Immigration Studies

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Because of the overwhelming role family connections play in current immigration law, most newcomers to the United States tend to come from a handful of countries, mostly in Latin America and Asia. In 1986 and again in 1990, Congress used this lack of immigrant diversity as a pretext for re-embracing the spirit of the discredited national origins quotas, in the form of a “diversity lottery.”

Originally devised as a means of amnestying Irish illegal aliens, the program continues even in the absence of any more Irish illegals — in fact, Ireland is now a country of immigration for the first time in centuries. Nonetheless, the lottery (as often happens with government programs) has taken on a life of its own. It has evolved over the years, and now offers 50,000 visas per year to people from “underrepresented” countries, i.e., all the nations of the world other than the top sending countries.¹ In practice, this means that most visa lottery winners come from the Islamic world, Eastern Europe, and sub-Saharan Africa; in the results of the FY 2005 lottery,² announced in June 2004, Ireland fell to 60th place, behind Kyrgyzstan, and in FY 2003 only 120 people from Ireland ended up actually getting green cards via the lottery.

It’s long past time to get rid of the lottery. Here’s why:

No Actual Diversity. Despite the moniker, the lottery has done nothing to diversify the immigrant flow. In FY 2003, the top ten immigrant-sending countries were the source of more than half of that year’s total legal immigration, almost exactly the same percentage as ten years earlier. In fact, taken as a whole, the nation’s total immigrant population (legal and illegal) has actually become *less* diverse during the course of the lottery; a recent analysis of Census data by the Center for Immigration Studies found that from 1990 to 2000, Mexicans went from 22 percent of all immigrants to 30 percent, while immigrants from all of Spanish-speaking Latin America combined went from 37 to 46 percent of the total foreign-born population.³

Truly diversifying immigration would entail one of two things: huge reductions in immigration from Mexico, or huge increases in immigration from everywhere else. The lottery as it exists simply cannot do what it purports to.

Inadequate Requirements. Flawed as it is, the lottery might appear more plausible if it took the 50,000 most qualified people among the millions who apply. But instead, the requirements for entry are so low as to be meaningless — they do nothing to ensure that applicants have skills that a modern economy needs. Applicants must have (or lie about

having; see below) either a high school education or equivalent, or "two years of work experience within the past five years in an occupation requiring at least two years of training or experience to perform." The Labor Department's Occupational Information Network (online.onetcenter.org) lists the jobs that fall under this convoluted formulation, including many that are hardly the supposed "jobs Americans won't do": travel agents, insurance agents, restaurant hostesses, actors, "Mental Health and Substance Abuse Social Workers," "Caption Writers," "Title Examiners and Abstractors," and "Costume Attendants." Many lesser-skilled individuals can also qualify in jobs such as Recreation Worker, Pipe Fitter, Baker, or Computer Operator.

Rampant Fraud. Even this low threshold for participation assumes, of course, that the credentials presented are valid. Given the countries that lottery applicants are coming from, this is unlikely, to say the least. The two most corrupt nations in the world, according to Transparency International's Corruption Perceptions Index 2004⁴, are Bangladesh and Nigeria — which are also perennially among the top-ten lottery winners.

State Department records from 1996 (we can't get more recent numbers for most countries) show that lottery winners are even more likely than other immigration applicants to be refused a visa due to fraud. Among the top ten nations in the FY 2005 lottery, diversity visa refusal rates from 1996 were as follows: Poland 24%, Ethiopia 38%, Bangladesh 44%, Egypt 46%, Ghana 62%, and, Nigeria 80%.⁵ And last year, the State Department's Deputy Inspector General testified before this subcommittee that the refusal rate for lottery visa applicants in Bangladesh had climbed to a whopping 85%.⁶ And these rates would be even higher but for the State Department's laxity with regard to fraud in the visa process. Apart from the general prevalence of fraud in these countries, the lottery itself is a problem, since it invites applications from almost anyone, and only requires them to show they qualify after they are selected, prompting a mad rush for bogus documents once the winners are notified.

Even if the fraud is detected in the limited amount of time consular officers have to investigate the applications, there is no punishment imposed, other than disqualification for that particular year. Anyone found out is welcome to try to cheat again in future years.

Now, corrupt Third World countries are precisely the places that people want to get out of, so it makes sense that that's where the demand for immigration comes from. But this poses enormous problems for a modern system of regulation that attempts to apply even the most minimal of documentary or paper-based requirements.

Security Threat. Of course, fraud is bad enough when people lie about their education or work experience. But after 9/11, immigration fraud of any kind poses a dire security threat. First of all, weeding out fraudulent lottery applications, and even processing legitimate ones, is a diversion for an agency that's supposed to be identifying terrorists among the millions seeking to come to America. An internal audit conducted by the State Department in the 1990s characterized the visa lottery as a costly unfunded mandate that saps personnel resources.⁷

For an illustration of the visa lottery's role in diverting scarce State Department resources from more important functions, we may look at visa issuance statistics for FY'04 (most recent available). There are 16 consular posts where the lottery visa issuances make up a significant share of the immigrant visa workload (more than 20%) *and* where the post issues a large

number of diversity visas (more than 450 per year), making the lottery program a very significant portion of the consular work there. (There are also many posts where lottery visas are a very high proportion of the workload, but where there are few visas issued overall; in Benin, for example, 95% of the visas were for the lottery, but that was 43 out of only 45 total visas). These are the posts:

Cameroon	76%	of immigrant visas are that country's lottery winners, adding 495 extra visas a year.
Ethiopia	79%	" 3,659 "
Ghana	34%	805
Kenya	77%	1,993
Liberia	58%	488
Nigeria	56%	3,335
Togo	93%	1,314
Albania	75%	2,207
Bulgaria	81%	2,470
Poland	22%	3,255
Romania	49%	1,147
Turkey	29%	1,192
Egypt	45%	1,726
Morocco	82%	1,753
Bangladesh	29%	1,837
Nepal	89%	1,775

These numbers do not count the additional impact of lottery winners from other countries; for example, if someone in Angola wins, they travel to Harare, Zimbabwe, to get the visa, because the Angolan capital of Luanda does not issue immigrant visas. Processing winners from other countries has a noticeable impact on the consular posts' already-swollen caseload – for example, the nearly 3,200 Ukrainian winners from 2004 were processed in Warsaw, doubling the numbers there.

This presents both workload and fraud issues. The State Department has consolidated lottery visa issuances to the medium and large posts, making quality control much more difficult. How is a Polish-speaking officer in Warsaw, for instance, able to evaluate the credentials of Lithuanian or Ukrainian applicants?

Some of these consular posts are already having difficulty providing good service without having to manage the burden the lottery program imposes. In Poland, for example, tourists have to wait eight days to get an interview appointment and then two more days to get their tourist visa. In Cairo, even the expedited visa applications must wait between one week and one month for an interview. And of course, processing so many lottery visas is a distraction for officers in Egypt, Morocco, Turkey, and Bangladesh, whose work has changed significantly since 9/11.

This points to the additional fact that the lottery does not draw people randomly from around the globe, but instead artificially generates immigration from the very countries where al Qaeda is active. Winners come disproportionately from the Islamic world, with about one-third coming from Muslim-majority countries. In fact, the lottery is a disproportionately important means of immigration for people from those countries; while only about 7% of all people who got green cards in FY03 were beneficiaries of the lottery, the proportion for most large Muslim countries was much higher. Around 10% of last year's immigrants from Saudi

Arabia, Pakistan, and Yemen came via the lottery, plus 16% of Bangladeshis, 23% of Egyptians, 29% of Turks, 37% of Sudanese, 53% of Moroccans, and 60% of Algerians.

This isn't simply gratuitous profiling. A number of lottery winners have already been involved in terrorism in the United States. Michigan sleeper cell member Karim Koubriti, convicted in 2003 of terrorism-related charges, was a lottery winner from Morocco, along with Ahmed Hannan, who was acquitted of terrorism charges in the same trial but convicted of document fraud.

The most notorious lottery winner is Hesham Mohamed Ali Hedayet, the Egyptian immigrant who went to Los Angeles International Airport to kill Jews on Fourth of July, 2002. Hedayet came to this country in 1992 on a temporary visa, became an illegal alien when he overstayed his welcome, then applied for asylum, was denied, again becoming an illegal alien, and finally got a green card when his wife won the lottery after repeated attempts.

Not only does the visa lottery actively recruit extra immigrants from the Middle East, but the fact that it allows people into the United States with no family or other significant connections to the country makes it ideal for someone planning an attack our country. While there are other ways for a person with no connections to enter the United States, a green card is far more valuable to terrorists than a temporary visa, such as those for tourists or students – a green card lets a person stay in the United States indefinitely and would thus give terrorists the time they would need to plan a sophisticated plot. Moreover, permanent residency allows the recipient to work at almost any job, get a license to handle hazardous materials, and to travel freely in and out of the country. It would be hard to design a visa program that was better suited to the needs of terrorists.

Some argue that the lottery is a highly unlikely and uncertain way for terrorists to gain entry to the United States, because it involves chance. But it is not the entry process that is most vulnerable (although it doesn't cost terrorists anything to try). It is the final application process that is so vulnerable to terrorists and other perpetrators of immigration fraud. For instance, the State department's Deputy Inspector General testified last year about a fraud ring in one consular post where the locally hired employees were buying lottery winners' applications for \$4,000 and then re-selling their winning numbers to others for much more money.⁸ That is precisely the kind of opening that al Qaeda would seek to utilize.

Momentum for Illegal Immigration. No one wakes up in Cairo and says, "Today, I will move to Hoboken!" Immigration takes place by way of networks of relatives, friends, acquaintances, or fellow countrymen already in the United States, and the lottery helps create new networks where none previously existed. Thus established, these networks plant the seed of a new idea — immigration to America — in the minds of millions, leading not only to further legal immigration, but also to new streams of illegal immigration.

The forces set in motion by the lottery are so powerful that even 9/11 didn't make much of a dent. The application period for the FY 2003 lottery began just three weeks after the 9/11 attacks, and although the number of applicants was indeed down from the previous year, it was still a colossal 8.7 million, about two and half million of them from Muslim-majority countries.⁹

Troll the Internet and you can see the lottery's power to spark interest in coming to America. In response to "green card lottery," Google returns 709,000 hits, including sites like dreamofusa.com, visaforyou.org, mygreencard.com, rapidimmigration.com, greencardgratis.de, and hundreds of others, some legitimate, many not. The frenzy surrounding the lottery is so intense that crooked attorneys and "consultants" have grown fat off of unsuspecting would-be immigrants, claiming that, for a fee, they can guarantee a winning application. This prompted the Federal Trade Commission to issue a Consumer Alert in October 2003 warning of the scams.¹⁰

The forces unleashed by the lottery manifest themselves outside cyberspace, as well. In 1997, police in Freetown, Sierra Leone, fired on stone-throwing rioters who attacked the central post office after thousands of completed lottery applications were found dumped in the sea.¹¹ A local newspaper speculated that the government ordered the applications thrown away to hide the locals' eagerness to leave. After the U.S. embassy in Freetown was closed due to political turmoil later that same year, hundreds of Sierra Leonean lottery applicants went to Ghana to pursue their applications. Only five actually received visas, prompting many of the losers to demand refugee status in Ghana.

Cutting in Line. The list of people who have family-based immigration applications pending, but who have to wait because of various category and per-country limits, is perhaps four million. Spouses and children of legal permanent residents from India or the Philippines now getting their green cards have been waiting since 2001, and the same category of people from Mexico have been waiting since 1998. If, for some reason, we decide that we need 50,000 additional people each year, wouldn't it make more sense to take the next 50,000 husbands, wives, and little kids of legal permanent residents on the list, rather than complete strangers with no family, no skills, and no jobs?

Conclusion. There is a Chinese saying, to justify gambling, that it's always advisable to "leave the window open to chance." There is always the chance some lottery winner will be a future inventor, entrepreneur, or even just a decent, God-fearing citizen pulling his own weight. Unfortunately, "chance" can go both ways, and, in the case of the lottery, it already has. The sooner we bring an end to this program, the better.

Notes

1. Natives of the following countries are the only ones who were not eligible for the 2006 visa lottery, whose registration period ended January 7, 2005: Canada, Mainland China (except for Hong Kong and Macau), Colombia, the Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Pakistan, the Philippines, Russia, South Korea, the United Kingdom (except for Northern Ireland), and Vietnam.
2. http://travel.state.gov/visa/immigrants/types/types_1317.html
3. "Where Immigrants Live: An Examination of State Residency of the Foreign Born by Country of Origin in 1990 and 2000," by Steven A. Camarota and Nora McArdle, Center for Immigration Studies Backgrounder, September 2003, <http://www.cis.org/articles/2003/back1203.html>
4. <http://www.transparency.org/cpi/2004/cpi2004.en.html>. Haiti, which is tied with Nigeria as the most corrupt nation in the world, does not participate in the lottery because it already sends so many immigrants to the United States.
5. "Visa Lottery Still An Inviting Option," Jessica Vaughan, Immigration Review #28, Spring 1997, http://www.cis.org/articles/1997/IR28/visa_lottery.html
6. Statement of Anne W. Patterson at Oversight Hearing on the "Diversity Visa Program, and its Susceptibility to Fraud and Abuse," April 29, 2004, <http://judiciary.house.gov/OversightTestimony.aspx?ID=201>
7. "Visa Lottery Still An Inviting Option," Jessica Vaughan, op.cit.
8. Statement of Anne W. Patterson, op.cit.
9. <http://travel.state.gov/DV-2003results.html>
10. <http://www.ftc.gov/bcp/online/pubs/alerts/lottery.htm>
11. "Protesters Riot in Sierra Leone," The Associated Press, February 12, 1997.